

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK****MINUTE ENTRY FOR A CRIMINAL PROCEEDING
☐ SEALED PROCEEDING**

BEFORE: Judge Joanna Seybert
DATE: 11/3/2021
TIME: 3:00 PM (Hrs.) 30 (Mins.)
DOCKET: 21 - cr - 0452 (JS) (SIL)
TITLE: USA v. Leonardi, et. al.

APPEARANCES:

DEFENDANT: Robert Leonardi Def. # 2 **COUNSEL:** William Wexler
☒ Present ☐ Not Present ☒ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☒ CJA ☐

DEFENDANT: Def. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

DEFENDANT: Def. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

DEFENDANT: Def. # **COUNSEL:**
☐ Present ☐ Not Present ☐ In Custody ☐ On Bond ☐ Surrendered ☐ Retained ☐ Federal Defender ☐ CJA ☐

GOVERNMENT: Andrew Wenzel, Jacob Kubetz **COURT REPORTER:** Marie Foley

PROBATION/PRETRIAL: **FTR TIME:**

INTERPRETER: **COURTROOM DEPUTY:** Eric Russo
 Language:

☐ SEE ADDITIONAL APPEARANCES PAGE

I. THE FOLLOWING PROCEEDINGS WERE HELD:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Arraignment | <input type="checkbox"/> Motion Hearing/Oral Argument |
| <input type="checkbox"/> Bond Application/Modification Hearing | <input type="checkbox"/> Plea Hearing |
| <input type="checkbox"/> Curcio Hearing | <input type="checkbox"/> Preliminary Hearing |
| <input checked="" type="checkbox"/> Detention Hearing | <input type="checkbox"/> Sentencing/Re-Sentencing |
| <input type="checkbox"/> Evidentiary Hearing | <input type="checkbox"/> Status/Pre-Trial Conference |
| <input type="checkbox"/> Fatico Hearing | <input type="checkbox"/> Other: |
| <input checked="" type="checkbox"/> Initial Appearance | |

☒ The following proceedings were held regarding the charges outlined in the: Superseding Indictment (S-1) filed on 9/29/2021 .

☒ Arraignment held.

- ☒ Initial appearance of defendant 2 before this Court.
☐ A Waiver of Indictment was filed as to defendant .
☒ Defendant 2 waived the public reading of the above charging instrument.
☐ Defendant was read and understood the charges outlined in the charging instrument.
☒ Defendant 2 entered a plea of not guilty to all counts of the above charging instrument.
☐ Defendant waived the right to a Preliminary Hearing.
☐ Defendant did not waive the right to a Preliminary Hearing.
☒ Defendant 2 waived Speedy Trial from 11/3/2021 to 11/22/2021 .
☐ Defendant did not waive Speedy Trial.
☐ The Court ordered Speedy Trial waived from to as to defendant .
☒ The Government was advised of, and acknowledged, its obligation under Rule 5(f) of the F.R.Cr.P. and the Due Process Protections Act to disclose all information to the defendant(s) and their counsel. The Court will issue a written order.
☒ See sections III and/or IV for additional details and/or the scheduling of further proceedings.

- ☐ Preliminary Hearing held.
- ☐ Witness(es) (☐ for the Government; ☐ for the defense) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The Court found that there is probable cause to believe that an offense had been committed by the defendant.
 - ☐ The Court found that there is no probable cause to believe that an offense had been committed by the defendant and that the charge(s) outlined in the above charging instrument are dismissed, and the defendant is discharged.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Curcio Hearing held.
- ☐ Parties arguments were heard.
 - ☐ The defendant was informed of the potential danger(s) arising from any conflict(s) of interest.
 - ☐ The defendant understood and waived any potential conflict(s) of interest and wishes to proceed with current counsel.
 - ☐ The defendant wishes to relieve current counsel and retain new counsel or have new counsel appointed by the Court.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Status/Pre-Trial Conference held.
- ☐ The parties advised the Court of the status of the case.
 - ☐ Defendant _____ waived Speedy Trial from _____ to _____.
 - ☐ Defendant _____ did not waive Speedy Trial.
 - ☐ The Court ordered Speedy Trial waived from _____ to _____ as to defendant _____.
 - ☐ The parties agreed to the following briefing schedule:
 - ☐ Government Motion due by: _____
 - ☐ Defendant Motion due by: _____
 - ☐ Defendant Response due by: _____
 - ☐ Government Response due by: _____
 - ☐ Government Reply due by: _____
 - ☐ Defendant Reply due by: _____
 - ☐ The parties were directed to file a proposed briefing schedule for court approval on or before _____.
 - ☐ The Court respectively refers the motion(s) to Magistrate Judge _____:
 - ☐ for purposes of submitting a Report and Recommendation for this Court's consideration.
 - ☐ to rule on the motion(s) in its entirety.
 - ☐ The Court deemed this case ready for trial.
 - ☐ The parties were directed to file their pre-trial motion(s) in accordance with the following briefing schedule:
 - ☐ Motion(s) due by: _____
 - ☐ Response(s) due by: _____
 - ☐ Reply(ies) due by: _____
 - ☐ Fully briefed motion(s) due by: _____
 - ☐ The parties were directed to file their proposed ☐ *voir dire* by _____; ☐ *request to charge* by _____.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Motion Hearing/Oral Argument held regarding _____.
- ☐ Parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defense) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The motion was ☐ granted; ☐ denied; ☐ granted, in part, and denied, in part.
 - ☐ The decision was ☐ entered on the record; ☐ reserved.
 - ☐ The Court will issue a written decision.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Evidentiary Hearing held.
- ☐ Parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defense) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision was ☐ entered on the record; ☐ reserved.
 - ☐ The Court will issue a written decision.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.

- ☐ Plea Hearing held.
- ☐ The defendant was sworn and informed of the constitutional rights being waived when pleading guilty.
 - ☐ The defendant withdrew previously entered not guilty plea and entered a plea of guilty to count(s) _____.
 - ☐ The Court found that (1) the defendant is acting voluntarily, (2) the defendant fully understands the rights and the consequences of the plea, (3) there is a factual basis for the plea, and (4) the defendant's plea of guilty is accepted.
 - ☐ A Preliminary Order of Forfeiture was executed.
 - ☐ The Conviction Notification Form was executed and sent to the US Probation Department.
 - ☐ Parties waived the preparation of the Presentence Investigation Report.
 - ☐ Sentencing was held immediately following the defendant's guilty plea.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Fatico Hearing held.
- ☐ Parties arguments were heard.
 - ☐ Witness(es) (☐ for the Government; ☐ for the defense) called and sworn; testimony given.
 - ☐ Exhibits were entered into evidence.
 - ☐ The decision was ☐ entered on the record; ☐ reserved.
 - ☐ The Court will issue a written decision.
 - ☐ Sentencing was held immediately following the hearing.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Sentencing/Re-Sentencing held on count(s) _____ of the above charging instrument.
- ☐ Statements were heard from ☐ defense counsel; ☐ the defendant; ☐ the Government; ☐ victim(s).
 - ☐ The defendant was sentenced to be imprisoned for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The Time Served Order was executed.
 - ☐ Upon release from imprisonment, the defendant shall be on supervised release for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The defendant shall comply with all standard conditions of supervision.
 - ☐ The defendant shall comply with all special conditions of supervision outlined on the record.
 - ☐ The Court did not impose a term of supervised release.
 - ☐ The defendant was sentenced to probation for a total term of:
 - ☐ _____ ☐ months; ☐ years.
 - ☐ The defendant shall comply with all standard conditions of supervision.
 - ☐ The defendant shall comply with all special conditions of supervision outlined on the record.
 - ☐ The defendant must pay the following criminal monetary penalties:
 - ☐ Restitution in the amount of: \$ _____.
 - ☐ A fine in the amount of: \$ _____.
 - ☐ A Special Assessment fine in the amount of: \$ _____, due immediately.
 - ☐ The defendant must pay interest on the restitution and/or fine ordered of more than \$2,500.00.
 - ☐ The Court determined that the defendant does not have the ability to pay interest and it was ordered that:
 - ☐ the interest requirement is waived.
 - ☐ the interest requirement is modified as stated on the record.
 - ☐ Restitution ☐ was not ordered; ☐ was not applicable; ☐ was paid in full.
 - ☐ A fine ☐ was not ordered; ☐ was not applicable; ☐ was paid in full.
 - ☐ The Special Assessment fine ☐ was not ordered; ☐ was not applicable; ☐ was paid in full.
 - ☐ The determination of the restitution and/or fine was deferred until _____.
 - ☐ All other conditions shall remain in effect as outlined in the previous judgment dated _____.
 - ☐ The defendant ☐ was advised of the right to appeal; ☐ has waived the right to appeal.
 - ☐ The Preliminary Order of Forfeiture dated _____ was adopted as the Final Order of Forfeiture.
 - ☐ A Final Order of Forfeiture was executed.
 - ☐ All open counts in the charging instrument(s) were dismissed on the motion of the United States.
 - ☐ See section III other sentencing conditions ordered.

II. THE FOLLOWING RULINGS WERE MADE REGARDING DEFENDANT RELEASE STATUS:

- ☒ Bond Application/Bond Modification/Detention Hearing held.
- ☐ Defendant _____ did not present a bond application to the Court.
 - ☐ An Order of Detention was executed as to defendant _____.
 - ☐ An Order Scheduling a Detention Hearing was executed as to defendant _____.
 - ☐ The bond application/modification was granted as to defendant _____.
 - ☐ An Order Setting Conditions of Release and Bond was executed as to defendant _____.
 - ☐ Defendant _____ condition(s) of release were modified as stated on the record.
 - ☐ An amended Order Setting Conditions of Release and Bond was executed as to defendant _____.
 - ☐ The bond application/modification was denied as to defendant _____.
 - ☐ An Order of Detention was executed as to defendant _____.
 - ☒ The Government moved for immediate detention of defendant 2.
 - ☒ The motion was ☒ granted; ☐ denied; ☐ granted, in part, and denied, in part.
 - ☐ An Arrest Warrant was executed as to defendant _____.
 - ☒ An Order of Detention was executed as to defendant 2.
 - ☐ An amended Order Setting Conditions of Release and Bond was executed as to defendant _____.
 - ☐ The decision was reserved.
 - ☐ An Arrest Warrant was executed as to defendant _____.
 - ☐ An Order Scheduling a Detention Hearing was executed as to defendant _____.
 - ☐ A temporary Order Setting Conditions of Release and Bond was executed as to defendant _____.
 - ☐ A Medical Evaluation Order was executed as to defendant _____.
 - ☐ See sections III and/or IV for additional details and/or the scheduling of further proceedings.
- ☐ Defendant _____ remain(s) in custody.
 - ☐ A Medical Evaluation Order was executed as to defendant _____.
- ☐ Defendant _____ remain(s) on bond.
- ☐ The defendant was granted leave to surrender for the service of the sentence at the institution designated by the Federal Bureau of Prisons before 2:00 PM on _____. The defendant will remain on bond, under the supervision of Pretrial Services, until the set surrender date.
 - ☐ The US Marshals Voluntary Surrender form was executed.
- ☐ The defendant was directed to report to the US Probation Department. The defendant will remain on bond, under the supervision of the US Probation Department, with the conditions set forth on the record until the completion of the ordered term of probation.
- ☐ The defendant, being sentenced to time served, shall be released forthwith pending the appropriate release procedures.

III. OTHER RULINGS MADE DURING THE PROCEEDINGS:

☐ The parties moved to seal the record of the proceedings and that application was granted. Transcripts of this proceeding can be made available to the Court, defendant/defense counsel, and the Government only.

☐ Other:

IV. THE FOLLOWING PROCEEDINGS WERE SET:

☐ No further conferences or hearings have been set at this time.

☐ See below for conference/hearing dates set.

☐ Bond Application Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Bond Modification Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Curcio Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Detention Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Evidentiary Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Fatico Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Jury Selection set for: _____ at _____ before _____, courtroom _____.

☐ Jury Trial set for: _____ at _____ before _____, courtroom _____.

☐ Motion Hearing/Oral Argument set for: _____ at _____ before _____, courtroom _____.

☐ Plea Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Preliminary Hearing set for: _____ at _____ before _____, courtroom _____.

☐ Re-Sentencing set for: _____ at _____ before _____, courtroom _____.

☐ Sentencing set for: _____ at _____ before _____, courtroom _____.

☒ Status Conference set for: 11/22/2021 at 10:30 AM before Judge Joanna Seybert, courtroom see below.

☒ Other/Special Instructions regarding conferences/hearings set:

- The conference will be held via the Court's teleconferencing system. Parties are directed to dial the following telephone number at the designated time: 877-336-1839, access code 7231185.